

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1451

Introduced by Assembly Member Chávez

February 27, 2015

An act to amend Section ~~3200~~ 4850 of the Labor Code, relating to workers' compensation.

LEGISLATIVE COUNSEL'S DIGEST

AB 1451, as amended, Chávez. Workers'—~~compensation.~~
compensation: public employees.

Existing law provides that certain peace officers, firefighters, and other specified local public employees are entitled to a leave of absence without loss of salary while disabled by injury or illness arising out of and in the course of employment. The leave of absence is in lieu of temporary disability payments or maintenance allowance payments otherwise payable under the workers' compensation system.

This bill would extend this leave of absence entitlement to lifeguards employed year round on a regular, full-time basis by the City of Oceanside.

This bill would make legislative findings and declarations as to the necessity of a special statute for these employees of the City of Oceanside.

~~Existing law establishes a workers' compensation system, administered by the Administrative Director of the Division of Workers' Compensation, to compensate an employee for injuries sustained in the course of his or her employment, and provides that it is the intent of the Legislature that any use of the obsolete term "workmen's~~

compensation” be replaced in the law with the term “workers’ compensation.”

~~This bill would make a technical, nonsubstantive change to the above provision.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 4850 of the Labor Code is amended to*
2 *read:*

3 4850. (a) Whenever any person listed in subdivision (b), who
4 is employed on a regular, full-time basis, and is disabled, whether
5 temporarily or permanently, by injury or illness arising out of
6 and in the course of, his or her duties, he or she shall become
7 entitled, regardless of his or her period of service with the city,
8 county, or district, to a leave of absence while so disabled without
9 loss of salary in lieu of temporary disability payments or
10 maintenance allowance payments, if any, that would be payable
11 under this chapter, for the period of the disability, but not exceeding
12 one year, or until that earlier date as he or she is retired on
13 permanent disability pension, and is actually receiving disability
14 pension payments, or advanced disability pension payments
15 pursuant to Section 4850.3.

16 (b) The persons eligible under subdivision (a) include all of the
17 following:

- 18 (1) City police officers.
- 19 (2) City, county, or district firefighters.
- 20 (3) Sheriffs.
- 21 (4) Officers or employees of any sheriff’s offices.
- 22 (5) Inspectors, investigators, detectives, or personnel with
23 comparable titles in any district attorney’s office.
- 24 (6) County probation officers, group counselors, or juvenile
25 services officers.
- 26 (7) Officers or employees of a probation office.
- 27 (8) Peace officers under Section 830.31 of the Penal Code
28 employed on a regular, full-time basis by a county of the first class.
- 29 (9) Lifeguards employed year round on a regular, full-time basis
30 by a county of the first class or class, by the City of ~~San Diego~~.
31 *San Diego, or by the City of Oceanside.*

1 (10) Airport law enforcement officers under subdivision (d) of
2 Section 830.33 of the Penal Code.

3 (11) Harbor or port police officers, wardens, or special officers
4 of a harbor or port district or city or county harbor department
5 under subdivision (a) of Section 830.1 or subdivision (b) of Section
6 830.33 of the Penal Code.

7 (12) Police officers of the Los Angeles Unified School District.

8 (c) This section shall apply only to persons listed in subdivision
9 (b) who meet the requirements of subdivision (a), and shall not
10 include any of the following:

11 (1) Employees of a police department whose principal duties
12 are those of a telephone operator, clerk, stenographer, machinist,
13 mechanic, or otherwise, and whose functions do not clearly fall
14 within the scope of active law enforcement service.

15 (2) Employees of a county sheriff's office whose principal duties
16 are those of a telephone operator, clerk, stenographer, machinist,
17 mechanic, or otherwise, and whose functions do not clearly come
18 within the scope of active law enforcement service.

19 (3) Employees of a county probation office whose principal
20 duties are those of a telephone operator, clerk, stenographer,
21 machinist, mechanic, or otherwise, and whose functions do not
22 clearly come within the scope of active law enforcement service.

23 (4) Employees of a city fire department, county fire department,
24 or fire district whose principal duties are those of a telephone
25 operator, clerk, stenographer, machinist, mechanic, or otherwise,
26 and whose functions do not clearly fall within the scope of active
27 firefighting and prevention service.

28 (d) If the employer is insured, the payments that, except for this
29 section, the insurer would be obligated to make as disability
30 indemnity to the injured, the insurer may pay to the insured.

31 (e) No leave of absence taken pursuant to this section by a peace
32 officer, as defined by Chapter 4.5 (commencing with Section 830)
33 of Title 3 of Part 2 of the Penal Code, or by a city, county, or
34 district firefighter, shall be deemed to constitute family care and
35 medical leave, as defined in Section 12945.2 of the Government
36 Code, or to reduce the time authorized for family care and medical
37 leave by Section 12945.2 of the Government Code.

38 (f) This section shall not apply to any persons described in
39 paragraph (1) or (2) of subdivision (b) who are employees of the
40 City and County of San Francisco.

(g) Amendments to subdivision (f) made by the act adding this subdivision shall be applied retroactively to January 1, 2010.

SEC. 2. The Legislature finds and declares that a special law is necessary and that a general law cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because the work of lifeguards employed year round on a regular, full-time basis by the City of Oceanside requires the disability benefits of Section 4850 of the Labor Code.

~~SECTION 1. Section 3200 of the Labor Code is amended to read:~~

~~3200. The Legislature hereby declares its intent that the term “workmen’s compensation” shall hereafter also be known as “workers’ compensation,” and that the “Workmen’s Compensation Appeals Board” shall hereafter be known as the “Workers’ Compensation Appeals Board.” In furtherance of this policy it is the desire of the Legislature that references to the terms “workmen’s compensation” and “Workmen’s Compensation Appeals Board” in this code or elsewhere be changed to “workers’ compensation” and “Workers’ Compensation Appeals Board” when those laws are being amended for any purpose. This act is declaratory and not amendatory of existing law.~~